

SANTA BARBARA COUNTY
AIR POLLUTION CONTROL DISTRICT
POLICIES AND PROCEDURES

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Topic:	<u>Appeal of APCD Exemption Determinations</u>	
Distribution:	<u>Engineering Division Staff</u>	

1.0 APPLICABILITY

This Policy and Procedure applies to all non-Part 70 permit and prohibitory rule exemptions.

2.0 INTRODUCTION

This policy and procedure provides guidance on the steps that are available to applicants whose request for a permit or prohibitory rule exemption was not approved by the APCD. Rule 209 (*Appeals*) provides a permit applicant the ability to appeal the APCD's decision regarding the approval or denial of a permit. Rule 209 does not apply to the APCD's decisions regarding exemptions. As such, applicants may not appeal the APCD's determination regarding an exemption to the APCD Hearing Board. The applicant does, however, have administrative remedies available for addressing their concerns regarding exemption requests not approved by the APCD.

3.0 PROCEDURE

The progressive steps listed below are available to applicants wishing to seek administrative remedies for cases where a request for a permit exemption has not been approved by the APCD. The applicant is encouraged to first discuss the matter with the permit staff that processed the exemption request to ensure that both parties fully understand the background and issues involving the request for exemption in question.

- (a) Engineering Supervisor: The first level of recourse is to discuss the matter, at a mutually agreeable time, with the permit staff's Engineering Supervisor.

Policies and Procedures Memoranda are intended to provide agency staff, applicants and the public guidance relative to standardized APCD procedures. These policies and procedures shall not be interpreted in conflict with APCD Rules and Regulations or administrative policies, and may be modified or updated periodically without advance notice.

- (b) Manager: If resolution is not achieved at the first level, the second level of recourse is to discuss the matter with the Engineering Supervisor's manager. At this level, the applicant is requested to submit a letter describing the matter. In this letter, the applicant should describe in detail their position why the exemption should be granted. The manager will call the applicant to arrange a mutually agreeable time to further discuss the matter.

- (c) Air Pollution Control Officer: If resolution is not achieved at the second level, the third level of recourse is to discuss the matter with the Air Pollution Control Officer. The applicant is requested to submit a letter to the Control Officer in which the applicant briefly describes the actions taken to date in seeking a solution. If the applicant has not followed steps (a) and (b) above, the Control Officer will refer the request to the appropriate level for discussion. If the applicant has followed the required steps, the Control Officer will contact the applicant to arrange a mutually agreeable time to discuss the matter further.

The decision of the Control Officer is final. Failure to obtain a permit prior to building, erecting or operating the equipment that requires a permit is a violation of APCD rules and state law. The APCD will take enforcement action in such cases.